

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
RALEIGH, NORTH CAROLINA  
WESTERN DIVISION**

**DR. MOHAMMAD ABU-SALHA,**  
**AMIRA BAYMEH, YOUSEF**  
**ABU-SALHA, YUSOR ABU-SALHA**  
**Plaintiffs**

v.

**MICHAEL CHERTOFF, U.S.**  
**SECRETARY DEPARTMENT OF**  
**HOMELAND SECURITY and EMILIO**  
**GONZALEZ, DIRECTOR OF UNITED**  
**STATES CITIZENSHIP &**  
**IMMIGRATION SERVICES and**  
**ROSEMARY MELVILLE, DISTRICT**  
**DIRECTOR, UNITED STATES**  
**CITIZENSHIP & IMMIGRATION**  
**SERVICE, AND RICHARD GOTTLIEB,**  
**DISTRICT DIRECTOR, UNITED**  
**STATES CITIZENSHIP &**  
**IMMIGRATION SERVICE, and**  
**ROBERT MUELLER,**  
**DIRECTOR OF THE FEDERAL**  
**BUREAU OF INVESTIGATIONS**  
**Defendants**

**WRIT IN THE NATURE OF**  
**MANDAMUS CASE/A # A76 442 694,**  
**A95 225 447, A95 225 448, A95 225 449**

**PLAINTIFFS ORIGINAL COMPLAINT  
FOR WRIT IN THE NATURE OF  
MANDAMUS**

COME NOW Dr. Mohammad Abu-Salha, Amira Baymeh, Yousef Abu-Salha, and Yusor Abu-Salha, Plaintiffs in the above-styled and numbered cause, and for cause of action would show unto the Court the following:

1. This action is brought against the Defendants to compel action on applications for lawful permanent resident status properly filed by the Plaintiffs. The application was filed and

remains within the jurisdiction of the Defendants, who have improperly withheld action on said application to Plaintiff's detriment.

### **PARTIES**

2. Plaintiff Dr. Mohammad Abu-Salha ("Dr. Abu-Salha") is a 48 year old native and citizen of Jordan. He entered the United States in 1994 on a J-1 Visa under 8 USC §1101(a)(15)(J), to receive graduate medical education and training. Dr. Abu-Salha was subject to INA § 212 (e) and the two year foreign residency requirement. However, Dr. Abu-Salha received a waiver of the two year foreign residency requirement by serving in a designated medically underserved area pursuant to INA § 214 (I). Dr. Abu-Salha currently works as a Physician in Johnston County, NC
3. Plaintiff Amira Baymeh ("Mrs. Baymeh") is a 44 year old native and citizen of Jordan. She is the wife of Dr. Abu-Salha. She entered this country on a J-2 Visa pursuant to §1101(a)(15)(J) as a derivative beneficiary of Dr. Abu-Salha's J-1 Visa. They have three children, one of whom was born in the United States. Their US born daughter's name is Razan Abu-Salha and her date of birth is July 9<sup>th</sup>, 1995.
4. Plaintiff Yousef Abu-Salha is 16 year old native and citizen of Jordan. Plaintiff Yousef Abu-Salha is Dr. Abu-Salha's and Mrs. Baymeh's son. Plaintiff Yousef Abu-Salha entered this country on a J-2 Visa pursuant to §1101(a)(15)(J) as a derivative beneficiary of Dr. Abu-Salha's J-1 Visa.
5. Plaintiff Yusor Abu-Salha is a 13 year old native and citizen of Jordan. Plaintiff Yusor Abu-Salha is Dr. Abu-Salha's and Mrs. Baymeh's son. Plaintiff Yusor Abu-Salha entered this country on a J-2 Visa pursuant to §1101(a)(15)(J) as a derivative beneficiary of Dr. Abu-Salha's J-1 Visa.

6. Defendant Michael Chertoff is Secretary of the Department of Homeland Security of the United States, and this action is brought against him in his official capacity. He is generally charged with enforcement of the Immigration and Nationality Act, and is further authorized to delegate such powers and authority to subordinate employees of the Department of Homeland Security. More specifically, the Secretary of the Department of Homeland Security is responsible for the adjudication of applications for adjustment of status filed pursuant to §245 of the Immigration and Nationality Act (INA), 8 USC §1255. The Immigration and Naturalization Service is an agency within the Department of Homeland Security to whom the Secretary's authority has in part been delegated, and is subject to the Secretary's supervision.
7. Defendant Emilio Gonzalez is the Director of the Bureau of Citizenship and Immigration Service (BCIS) generally charged with supervisory authority over all operations of the BCIS within the entire United States and with certain specific exceptions not relevant here. 8 CFR §103.1(g)(2)(ii)(B). As will be shown, Defendant Director is the official with whom Plaintiffs' application for lawful permanent resident status were properly filed.
8. Defendant Rosemary Melville District Director is an official of the Bureau of Citizenship and Immigration Service (BCIS) generally charged with supervisory authority over all operations of the BCIS within her District with certain specific exceptions not relevant here. 8 CFR §103.1(g)(2)(ii)(B). As will be shown, Defendant District Director is the official with whom Plaintiffs' application for lawful permanent resident status were

properly filed.

9. Defendant Richard Gottlieb District Director is an official of the Bureau of Citizenship and Immigration Service n Service (BCIS) generally charged with supervisory authority over all operations of the BCIS within his District with certain specific exceptions not relevant here. 8 CFR §103.1(g)(2)(ii)(B). As will be shown, Defendant District Director is the official with whom Plaintiffs' application for change of addresses were properly filed.
10. Defendant Robert Mueller, Director of the FBI is an officially generally charged with supervisory authority over all operations of the FBI, with certain exceptions not relevant here. As will be shown, Defendant Director is the official in charge of overseeing security clearances for immigration purposes.

#### **JURISDICTION**

11. Jurisdiction in this case is proper under 28 USC §§1331 and 1361, 5 USC §701 *et seq.*, and 28 USC §2201 *et seq.* Relief is requested pursuant to said statutes.

#### **VENUE**

12. Venue is proper in this court, pursuant to 28 USC §1391(e), in that this is an action against officers and agencies of the United States in their official capacities, brought in the District where a Plaintiff resides. More specifically, Plaintiffs resides in Wake County under the venue of the Eastern District Court.

#### **EXHAUSTION OF REMEDIES**

13. Plaintiffs have exhausted their administrative remedies. Plaintiffs have, through their Attorney, made numerous inquiries concerning the status of the applications to no avail.

#### **CAUSE OF ACTION**

14. After his admission on a J-1 Visa, Dr. Abu-Salha pursued graduate medical training in

- the United States. After completing his training, he received a waiver of the two year foreign residency requirement by serving in a designated medically underserved area pursuant to INA § 214 (I) on August 4, 1998.
15. Dr. Abu-Salha was a beneficiary of a properly filed and approved Petition for a Non-Immigrant Worker and H1B Visa that started on October 1<sup>st</sup>, 1998.
  16. Throughout the course of these petitions, Dr. Abu-Salha's wife, Mrs. Baymeh, and their children Yousef Abu-Salha and Yusor Abu-Salha were derivative beneficiaries of Dr. Abu-Salha's immigration petitions.
  17. Dr. Abu-Salha was a beneficiary of an approved Immigration Petition for Alien Worker that placed him in the EB-2 Category as a Member of Profession with Advance Degree or Exceptional Ability pursuant to INA §203 (b) (2) on December 1<sup>st</sup>, 2000. Approval of this petition is a prerequisite to the Plaintiffs applying for adjustment of status to lawful permanent resident pursuant to INA §245.
  18. On January 9<sup>th</sup>, 2002 Dr. Abu-Salha, Mrs. Baymeh, Yousef Abu-Salha and Yusor Abu-Salha filed applications to adjust status pursuant to INA §245. At the time of filing, visas under this category were current and were available for immediate processing.
  19. Dr. Abu-Salha received an Alien # of A76 442 694.
  20. Mrs. Baymeh received an Alien # of A95 225 447.
  21. Yousef Abu-Salha received an Alien # of A95 225 448.
  22. Yusor Abu-Salha received an Alien # of A95 225 449.
  23. At the time of said filing, such applications were being adjudicated by the Defendant District Director in a period of between seven and twelve months.
  24. Plaintiffs' applications for adjustment of status have now remained unadjudicated for well over 5 years.

25. Dr. Abu-Salha and his family have legally resided in the United States for well over thirteen years. Dr. Abu-Salha and his family have complied with all laws of the United States during the course of their stay in the United States and have never been out of status.
26. Dr. Abu-Salha has served and continues to serve Patients in a rural area where he is the only private medical practice in his specialty in the county in which he works. He continues to dedicate his work to serve Patients in need.
27. The restrictions placed by USCIS and the requirement of continuously applying for temporary work authorization by Dr. Abu-Salha jeopardizes the health, safety, and lives of the more than 700 mentally ill patients Dr. Abu-Salha treats on a regular basis.
28. Defendants have sufficient information to determine Plaintiffs' eligibility pursuant to applicable requirements. To date, said applications have not been adjudicated.
29. Defendants' refusal to act in this case is, as a matter of law, arbitrary and not in accordance with the law. Defendants willfully, and unreasonably, have delayed in and have refused to, adjudicate Plaintiffs' applications for over two years, thereby depriving them of the right to a decision on their status and the peace of mind to which Plaintiffs are entitled.
30. Plaintiffs have been greatly damaged by the failure of Defendants to act in accord with their duties under the law.
  - (a) Specifically, Plaintiffs travel has been restrictive. So long as their applications for adjustment of status are pending, travel is restricted by federal regulation which requires special permission to travel abroad ("advanced parole") during the pendency of such applications. 8 CFR §245.2(a)(4). Departure without the advanced parole would be deemed an abandonment of the permanent resident application. *Id.* This situation operates to the great inconvenience and harassment of Plaintiffs.
  - (b) Plaintiffs have further been damaged in that their employment authorization is

tied to their status as applicants for permanent residency, and is limited to increments not to exceed one year. 8 CFR §274a.12(c)(9). Therefore, as in the case of the advanced parole, Plaintiffs have been forced to repeatedly apply (and pay) for extensions of employment authorization, to the continued inconvenience and harassment of Plaintiffs, which is required by law to continually insure his work eligibility. INA §274A(a)(2), 8 USC §1324a(a)(2).

- (c) Plaintiffs have further been damaged by simply being deprived of the status of lawful permanent residents during the interminable pendency of their applications.

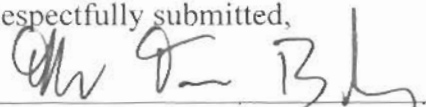
- 30. The Defendants, in violation of the Administrative Procedures Act, 5 USC §701 *et seq.*, are unlawfully withholding or unreasonably delaying action on Plaintiff's application and have failed to carry out the adjudicative functions delegated to them by law with regard to Plaintiffs' case.
- 31. Plaintiffs through their Attorney and Congressman have made numerous status inquiries in an attempt to secure adjudication of their applications, all to no avail. Accordingly, Plaintiffs have been forced to retain the services of an Attorney to pursue the instant action.

### PRAYER

- 1. WHEREFORE, in view of the arguments and authority noted herein, Plaintiffs respectfully pray that the Defendants be cited to appear herein and that, upon due consideration, the Court enter an order:
  - (a) requiring Defendants to adjudicate Plaintiffs applications for adjustment of status;
  - (b) awarding Plaintiffs reasonable attorney's fees; and
  - (c) granting such other relief at law and in equity as justice may require.

This 23 day of OCTOBER, 2007.

Respectfully submitted,

  
\_\_\_\_\_

Omar Baloch  
The Law Offices of Omar Baloch, PLLC  
300/200 Parham Street, Suite A  
Raleigh, NC 27601  
Telephone: (919) 834-3535  
Facsimile: (919) 334-7339  
Email: mobaloch@balochlaw.com

## **LIST OF ATTACHMENTS**

### *Exhibit Description*

- |    |   |
|----|---|
| 1  | I-612 Application to Waive Foreign Residence Requirement Approval Notice dated August 4, 1998 |
| 2  | I-129 Petition for Nonimmigrant Worker Approval Notice dated September 9, 1998                |
| 4  | I-140 Immigrant Petition for Alien Relative Approval Notice dated December 1, 2000            |
| 5  | I-129 Petition for Nonimmigrant Worker Approval Notice dated November 6, 2001                 |
| 5  | I-485 Receipt Notice for Dr. Mohammad Abu-Salha dated January 10, 2002                        |
| 6  | I-485 Receipt Notice for Amira Baymeh dated January 10, 2002                                  |
| 7  | I-485 Receipt Notice for Yusor Abu-Salha dated January 10, 2002                               |
| 8  | I-485 Receipt Notice for Yousef Abu-Salha dated January 10, 2002                              |
| 9  | EAD's for Dr. Abu-Salha and Amira Baymeh  |
| 10 | Congressional Inquiry Dated August 27, 2004   |
| 11 | Congressional Inquiry Dated September 7, 2004   |
| 12 | Congressional Inquiry Dated August 22, 2006   |
| 13 | Congressional Inquiry Dated September 8, 2006   |
| 14 | Congressional Inquiry Dated November 19, 2006   |



- 15           Telephonic Inquiry Dated March 23, 2007
- 16           Congressional Inquiry Dated April 4, 2007

VERIFICATION

NORTH CAROLINA

WAKE COUNTY

Dr. Mohammad Abu-Salha, Plaintiff in this action, after being duly sworn, deposes and says that he has read the foregoing Complaint and knows the contents thereof to be true of his own knowledge except as to those matters stated upon information and belief, and as to those matters, he believes them to be true.

Abu-Salha, MD

Dr. Mohammad Abu-Salha

Sworn to or affirmed before me this

19 day of OCTOBER, 2007.

M. J. Baloch

Notary Public

My Commission Expires:

7-31-2010

M. OMAR BALOCH  
NOTARY PUBLIC  
WAKE COUNTY, NC  
My Commission Expires 7-31-2010



RECEIPT NUMBER SRC-98-218-50148		CASE TYPE I612 APPLICATION TO WAIVE FOREIGN RESIDENCE REQUIREMENTS
RECEIPT DATE July 28, 1998	PRIORITY DATE	APPLICANT A76 442 694 ABU SALHA, MOHAMMAD Y.
NOTICE DATE August 4, 1998	PAGE 1 of 1	
MOHAMMAD Y. ABU SALHA 105 CARTWELL DR 101 VIRGINIA BEACH VA 23452		Notice Type: Approval Notice

The United States Information Agency, based upon a recommendation from an interested Government agency, has recommended that you and any members of your immediate family be granted a waiver of the two-year foreign residence requirement of Section 212(e) of the Immigration and Nationality Act, as amended. This recommendation only refers to the two-year foreign residence obligation which was incurred based on your current or prior nonimmigrant status as a J-1 Exchange Alien.

Accordingly, upon consideration of the evidence of record, and on the basis of the favorable recommendation of the United States Information Agency, you, and any members of your immediate family who have become subject to the two-year foreign residence requirement solely based on their relationship to you, are hereby granted a waiver of the two year foreign residence requirement of Section 212(e) of the Act.

Please note that if any member of your immediate family has incurred an obligation to fulfill the two-year foreign residence requirement of Section 212(e) of the Act based on his or her own current or prior nonimmigrant status as a J-1 Exchange Alien, that family member will need to request a separate waiver in his or her own behalf to remove that obligation.

This completes our action on this application. The back of this form contains additional general information. If you have any further questions, please call your local Immigration office.

THIS FORM IS NOT A VISA NOR MAY IT BE USED IN PLACE OF A VISA.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

IMMIGRATION & NATURALIZATION SERVICE  
TEXAS SERVICE CENTER  
P O BOX 851488 - DEPT A  
MESQUITE TX 75185-1488  
Customer Service Telephone: (214) 381-1423





RECEIPT NUMBER SRC-98-238-53256		CASE TYPE I129 PETITION FOR A NONIMMIGRANT WORKER
RECEIPT DATE UNKNOWN	PRIORITY DATE	PETITIONER DUPLIN SAMPSON AREA MENTAL HEALTH
NOTICE DATE September 9, 1998	PAGE 1 of 1	BENEFICIARY ABU SALHA, MOHAMMAD Y.
DAYNA J. KELLY DAYNA J KELLY ATTORNEY AT LAW P O BOX 17297 CHAPEL HILL NC 27516		Notice Type: Approval Notice Class: H1B1 Valid from 10/01/98 to 10/01/01

The above petition and change of status have been approved. The status of the named foreign worker(s) in this classification is valid as indicated above. The foreign worker(s) can work for the petitioner, but only as detailed in the petition and for the period authorized. Any change in employment requires a new petition. Since this employment authorization stems from the filing of this petition, separate employment authorization documentation is not required. Please contact the IRS with any questions about tax withholding.

The petitioner should keep the upper portion of this notice. The lower portion should be given to the worker. He or she should keep the right part with his or her Form I-94, *Arrival-Departure Record*. This should be turned in with the I-94 when departing the U.S. The left part is for his or her records. A person granted a change of status who leaves the U.S. must normally obtain a visa in the new classification before returning. The left part can be used in applying for the new visa. If a visa is not required, he or she should present it, along with any other required documentation, when applying for reentry in this new classification at a port of entry or pre-flight inspection station. The petitioner may also file Form I-824, *Application for Action on an Approved Application or Petition*, with this office to request that we notify a consulate, port of entry, or pre-flight inspection office of this approval.

THIS FORM IS NOT A VISA NOR MAY IT BE USED IN PLACE OF A VISA.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

IMMIGRATION & NATURALIZATION SERVICE  
TEXAS SERVICE CENTER  
P O BOX 851488 - DEPT A  
MESCUI TE TX 75105-1488  
Customer Service Telephone: (214) 381-1423  
Form I797A (Rev. 09/07/93)N



PLEASE TEAR OFF FORM I-94 PRINTED BELOW, AND STAPLE TO ORIGINAL I-94 IF AVAILABLE

Detach This Half for Personal Records

Receipt # SRC-98-238-53256

I-94# 460086890 03

NAME ABU SALHA, MOHAMMAD Y.

CLASS H1B1

VALID FROM 10/01/98 UNTIL 10/01/01

PETITIONER: DUPLIN SAMPSON AREA MENTA  
P O BOX 599  
KENANSVILLE NC 28349

460086890 03

Receipt Number SRC-98-238-53256

Immigration and  
Naturalization Service

I-94

Departure Record

Petitioner: DUPLIN SAMPSON

14. Family Name ABU SALHA		16. Date of Birth 06/04/59
15. First (Given) Name MOHAMMAD		
17. Country of Citizenship LIBYAN		



RECEIPT NUMBER SRC-01-243-51628		CASE TYPE I129
RECEIPT DATE August 14, 2001		PRIORITY DATE
NOTICE DATE November 6, 2001		PAGE 1 of 1
DAYNA J. KELLY LAW OFFICES OF DAYNA KELLY PC POB 17297 CHAPEL HILL NC 27516		PETITIONER DUPLIN SAMPSON AREA MENTAL HEALTH BENEFICIARY ABU SALHA, MOHAMMAD Y.
		Notice Type: Approval Notice Class: H1B1 Valid from 10/02/2001 to 10/01/2004

The above petition and extension of stay have been approved. The status of the named foreign worker(s) in this classification is valid as indicated above. The foreign worker(s) can work for the petitioner, but only as detailed in the petition and for the period authorized. Any change in employment requires a new petition. Since this employment authorization stems from the filing of this petition, separate employment authorization documentation is not required. Please contact the IRS with any questions about tax withholding.

The petitioner should keep the upper portion of this notice. The lower portion should be given to the worker. He or she should keep the right part with his or her Form I-94, *Arrival-Departure Record*. This should be turned in with the I-94 when departing the U.S. The left part is for his or her records. A person granted an extension of stay who leaves the U.S. must normally obtain a new visa before returning. The left part can be used in applying for the new visa. If a visa is not required, he or she should present it, along with any other required documentation, when applying for reentry in this new classification at a port of entry or pre-flight inspection station. The petitioner may also file Form I-824, *Application for Action on an Approved Application or Petition*, with this office to request that we notify a consulate, port of entry, or pre-flight inspection office of this approval.

THIS FORM IS NOT A VISA NOR MAY IT BE USED IN PLACE OF A VISA.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

IMMIGRATION & NATURALIZATION SERVICE  
TEXAS SERVICE CENTER  
P O BOX 851488 - DEPT A  
MESQUITE TX 75185-1488  
Customer Service telephone: (214) 381-1423



Form I797A (Rev. 09/07/93)N

PLEASE TEAR OFF FORM I-94 PRINTED BELOW, AND STAPLE TO ORIGINAL I-94 IF AVAILABLE

Detach This Half for Personal Records

Receipt # SRC-01-243-51628

I-94# 460086890 03

NAME ABU SALHA, MOHAMMAD Y.

CLASS H1B1

VALID FROM 10/02/2001 UNTIL 10/01/2004

PETITIONER: DUPLIN SAMPSON AREA MENTAL

117 BEASLEY ST

KENANSVILLE NC 28349

460086890 03

Receipt Number SRC-01-243-51628

Immigration and  
Naturalization Service

I-94

Departure Record

Petitioner: DUPLIN SAMPSON

14. Family Name

ABU SALHA

15. First (Given) Name

MOHAMMAD

17. Country of Citizenship

JORDAN

16. Date of Birth

06/04/1959



RECEIPT NUMBER SRC-00-208-50154		CASE TYPE I140 IMMIGRANT PETITION FOR ALIEN WORKER
RECEIPT DATE July 1, 2000	PRIORITY DATE October 26, 1999	PETITIONER DUPLIN SAMPSON AREA MENTAL HEALTH
NOTICE DATE December 1, 2000	PAGE 1 of 1	BENEFICIARY ABU SALHA, MOHAMMAD Y.
DAYNA J. KELLY LAW OFFICES OF DAYNA KELLY PC POB 17297 CHAPEL HILL NC 27516		<b>Notice Type:</b> Approval Notice Section: Mem of Profession w/Adv Deg, or of Exceptn'l Ability Sec. 204(b)(2)

The above petition has been approved. We have sent it to the Department of State National Visa Center (NVC), 32 Rochester Avenue, Portsmouth, NH 03801-2909. NVC processes all approved immigrant visa petitions that need consular action. It also determines which consular post is the appropriate consulate to complete visa processing. The NVC will then forward the approved petition to that consulate.

This completes all INS action on this petition. If you have any questions about visa issuance, please contact the NVC directly. The telephone number to NVC is (603) 334-0700. Please allow 90 days before contacting the National Visa Center regarding your petition.

The NVC will contact the person for whom you are petitioning concerning further immigrant visa processing steps.

THIS FORM IS NOT A VISA NOR MAY IT BE USED IN PLACE OF A VISA.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

IMMIGRATION & NATURALIZATION SERVICE  
TEXAS SERVICE CENTER  
P O BOX 851488 - DEPT A  
MESQUITE TX 75185-1488  
Customer Service Telephone: (214) 381-1423







RECEIPT NUMBER SRC-02-080-53709		CASE TYPE I485 APPLICATION TO ADJUST TO PERMANENT RESIDENT STATUS
RECEIVED DATE January 9, 2002	PRIORITY DATE	APPLICANT A76 442 694 ABU SALHA, MOHAMMAD Y.
NOTICE DATE January 10, 2002	PAGE 1 of 1	
DAYNA J. KELLY ESQ LAW OFFICE OF DAYNA KELLY PC POB BOX 17297 CHAPEL HILL NC 27516		Notice Type: Receipt Notice  Amount received: \$ 245.00 Section: Adjustment as direct beneficiary of immigrant petition

The above application or petition has been received. It usually takes 240 to 365 days from the date of this receipt for us to process this type of case. Please notify us immediately if any of the above information is incorrect.

We will send you a written notice as soon as we make a decision on this case. You can also use the phone number (214) 381-1423 to obtain case status information direct from our automated system 24 hours a day with a touch-tone phone and the receipt number for this case (at the top of this notice).

If you have other questions about possible immigration benefits and services, filing information, or Immigration and Naturalization Service forms, please call the INS National Customer Service Center (NCSC) at 1-800-375-5283. If you are hearing impaired, please call our TDD at 1-800-767-1833.

If you have access to the Internet, you can also visit the INS at [www.ins.usdoj.gov](http://www.ins.usdoj.gov). Here you can find valuable information about forms and filing instructions, and about general immigration services and benefits. At present, this site does not provide case status information.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

IMMIGRATION & NATURALIZATION SERVICE  
TEXAS SERVICE CENTER  
P O BOX 851488 - DEPT A  
MESQUITE TX 75185-1488  
Customer Service Telephone: (214) 381-1423





RECEIPT NUMBER SRC-02-080-53698		CASE TYPE I485 APPLICATION TO ADJUST TO PERMANENT RESIDENT STATUS
RECEIVED DATE January 9, 2002	PRIORITY DATE	APPLICANT A95 225 447 BAMYEH, AMIRA
NOTICE DATE January 10, 2002	PAGE 1 of 1	
DAYNA J. KELLY ESQ LAW OFFICE OF DAYNA KELLY PC POB BOX 17297 CHAPEL HILL NC 27516		Notice Type: Receipt Notice  Amount received: \$ 245.00  Section: Derivative adjustment

The above application or petition has been received. It usually takes 240 to 365 days from the date of this receipt for us to process this type of case. Please notify us immediately if any of the above information is incorrect.

We will send you a written notice as soon as we make a decision on this case. You can also use the phone number (214) 381-1423 to obtain case status information direct from our automated system 24 hours a day with a touch-tone phone and the receipt number for this case (at the top of this notice).

If you have other questions about possible immigration benefits and services, filing information, or Immigration and Naturalization Service forms, please call the INS National Customer Service Center (NCSC) at 1-800-375-5283. If you are hearing impaired, please call our TDD at 1-800-767-1833.

If you have access to the Internet, you can also visit the INS at [www.ins.usdoj.gov](http://www.ins.usdoj.gov). Here you can find valuable information about forms and filing instructions, and about general immigration services and benefits. At present, this site does not provide case status information.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

IMMIGRATION & NATURALIZATION SERVICE  
TEXAS SERVICE CENTER  
P O BOX 851488 - DEPT A  
MESQUITE TX 75185-1488  
Customer Service Telephone: (214) 381-1423







RECEIPT NUMBER SRC-02-080-53657		CASE TYPE I485 APPLICATION TO ADJUST TO PERMANENT RESIDENT STATUS
RECEIPT DATE January 10, 2002	PRIORITY DATE	APPLICANT A95 225 449 ABU SALHA, YUSOR M.
NOTICE DATE February 13, 2006	PAGE 1 of 1	
YUSOR M. ABU SALHA 5016 DILLSWOOD LN RALEIGH NC 27606		Notice Type: Transfer Notice

Preliminary processing of the above application or petition has been completed, and it has been transferred to the INS office at:

Dept of Homeland Security - USCIS , 6130 Tyvola Center, Dr., Charlotte, NC 28217

Telephone: (800) 375-5283

That office will notify you when they schedule an interview on the application or petition. Any further inquiries should be made to that office.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

IMMIGRATION & NATURALIZATION SERVICE

TEXAS SERVICE CENTER

P O BOX 851488 - DEPT A

MESQUITE TX 75185-1488

Customer Service Telephone: (800) 375-5283





RECEIPT NUMBER SRC-02-080-53653		CASE TYPE I485 APPLICATION TO ADJUST TO PERMANENT RESIDENT STATUS
RECEIPT DATE January 10, 2002	PRIORITY DATE	APPLICANT A95 225 448 ABU SALHA, YOUSEF M.
NOTICE DATE February 13, 2006	PAGE 1 of 1	
YOUSEF M. ABU SALHA 5016 DILLSWOOD LN RALEIGH NC 27606		Notice Type: Transfer Notice

Preliminary processing of the above application or petition has been completed, and it has been transferred to the INS office at:

Dept of Homeland Security - USCIS , 6130 Tyvola Center, Dr., Charlotte, NC 28217

Telephone: (800) 375-5283

That office will notify you when they schedule an interview on the application or petition. Any further inquiries should be made to that office.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

IMMIGRATION & NATURALIZATION SERVICE

TEXAS SERVICE CENTER

P O BOX 851488 - DEPT A

MESQUITE TX 75185-1488

Customer Service Telephone: (800) 375-5283



**EMPLOYMENT AUTHORIZATION CARD**  
U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. Citizenship and Immigration Services

The person identified is authorized to work in the U.S. for the validity of this card.

NAME **BAMYEH, AMIRA**  
*Amira Bamyeh*

INS # 095-225-447  
CARD # SRC0611950942  
Birthdate 02/26/63 Category C09 Sex F  
Country of Birth Jordan  
Terms and Conditions None

NOT VALID FOR REENTRY TO U.S.  
CARD VALID FROM 03/17/06 EXPIRES 03/16/07

**EMPLOYMENT AUTHORIZATION CARD**  
U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. Citizenship and Immigration Services

The person identified is authorized to work in the U.S. for the validity of this card.

NAME **BAMYEH, AMIRA**  
*Amira Bamyeh*

INS # 095-225-447  
CARD # SRC0627452087  
Birthdate 02/26/63 Category C09 Sex F  
Country of Birth Jordan  
Terms and Conditions None

NOT VALID FOR REENTRY TO U.S.  
CARD VALID FROM 03/16/07 EXPIRES 03/15/08

**EMPLOYMENT AUTHORIZATION CARD**  
U.S. DEPARTMENT OF JUSTICE Immigration and Naturalization Service

The person identified is authorized to work in the U.S. for the validity of this card.

NAME **ABU SALHA, MOHAMMAD Y**  
*Abu Salha*

INS # 076-442-694  
CARD # SRC0208053717  
Birthdate 06/04/59 Category C09 Sex M  
Country of Birth Jordan  
Terms and Conditions None

NOT VALID FOR REENTRY TO U.S.  
CARD VALID FROM 04/13/02 EXPIRES 04/13/03

**EMPLOYMENT AUTHORIZATION CARD**  
U.S. DEPARTMENT OF JUSTICE Immigration and Naturalization Service

The person identified is authorized to work in the U.S. for the validity of this card.

NAME **ABU SALHA, MOHAMMAD Y**  
*Abu Salha*

INS # 076-442-694  
CARD # SRC0305431350  
Birthdate 06/04/59 Category C09 Sex M  
Country of Birth Jordan  
Terms and Conditions None

NOT VALID FOR REENTRY TO U.S.  
CARD VALID FROM 05/20/03 EXPIRES 05/20/04

**EMPLOYMENT AUTHORIZATION CARD**  
U.S. DEPARTMENT OF JUSTICE Immigration and Naturalization Service

The person identified is authorized to work in the U.S. for the validity of this card.

NAME **ABU SALHA, MOHAMMAD Y**  
*Abu Salha*

INS # 076-442-694  
CARD # SRC0626950881  
Birthdate 06/04/59 Category C09 Sex M  
Country of Birth Jordan  
Terms and Conditions None

NOT VALID FOR REENTRY TO U.S.  
CARD VALID FROM 09/25/06 EXPIRES 09/25/07

**EMPLOYMENT AUTHORIZATION CARD**  
U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. Citizenship and Immigration Services

The person identified is authorized to work in the U.S. for the validity of this card.

NAME **ABU SALHA, MOHAMMAD**  
*Abu Salha*

INS # 076-142-694  
CARD # SRC0106950697  
Birthdate 06/04/59 Category C09 Sex M  
Country of Birth Jordan  
Terms and Conditions None

NOT VALID FOR REENTRY TO U.S.  
CARD VALID FROM 04/14/04 EXPIRES 04/13/05

**EMPLOYMENT AUTHORIZATION CARD**  
U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. Citizenship and Immigration Services

The person identified is authorized to work in the U.S. for the validity of this card.

NAME **ABU SALHA, MOHAMMAD Y**  
*Abu Salha*

INS # 076-442-694  
CARD # SRC0510150953  
Birthdate 06/04/59 Category C09 Sex M  
Country of Birth Jordan  
Terms and Conditions None

NOT VALID FOR REENTRY TO U.S.  
CARD VALID FROM 03/14/05 EXPIRES 03/14/06

**EMPLOYMENT AUTHORIZATION CARD**  
U.S. DEPARTMENT OF JUSTICE Immigration and Naturalization Service

The person identified is authorized to work in the U.S. for the validity of this card.

NAME **ABU SALHA, MOHAMMAD Y**  
*Abu Salha*

INS # 076-442-694  
CARD # SRC0208053717  
Birthdate 06/04/59 Category C09 Sex M  
Country of Birth Jordan  
Terms and Conditions None

NOT VALID FOR REENTRY TO U.S.  
CARD VALID FROM 04/13/02 EXPIRES 04/13/03

**EMPLOYMENT AUTHORIZATION CARD**  
U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. Citizenship and Immigration Services

The person identified is authorized to work in the U.S. for the validity of this card.

NAME **ABU SALHA, MOHAMMAD Y**  
*Abu Salha*

INS # 076-442-694  
CARD # SRC0626950881  
Birthdate 06/04/59 Category C09 Sex M  
Country of Birth Jordan  
Terms and Conditions None

NOT VALID FOR REENTRY TO U.S.  
CARD VALID FROM 09/25/06 EXPIRES 09/25/07

EADs

FORM I-688B JAN 89

FORM I-688B JAN 89

DAVID PRICE  
4TH DISTRICT  
NORTH CAROLINA

Plaintiffs Exhibit 10



COMMITTEE ON APPROPRIATIONS  
VETERANS' AFFAIRS,  
HOUSING AND URBAN DEVELOPMENT  
AND INDEPENDENT AGENCIES

LEGISLATIVE

SELECT COMMITTEE ON  
HOMELAND SECURITY

CONGRESS OF THE UNITED STATES  
HOUSE OF REPRESENTATIVES  
WASHINGTON, DC 20515

August 27, 2004

OFFICES:  
2162 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-1784

PALISADES ON TRINITY  
5400 TRINITY PLACE, SUITE 205  
RALEIGH, NC 27607-3815  
(919) 859-5999

88 VILCOM CENTER, SUITE 140  
CHAPEL HILL, NC 27514-1660  
(919) 967-7924

N.C. MUTUAL PLAZA  
411 WEST CHAPEL HILL STREET  
DURHAM, NC 27701-3642  
(919) 688-3004

Dr. Mohammad Abu-Salha  
210 Bayleigh Court  
Garner, NC 27529

Dear Dr. Abu-Salha:

Thank you for contacting my office about your immigration concerns.

A member of my staff is currently working on your behalf and will contact you with any developments. Please contact Ms. Robyn Winneberger at 859-5999 if you have other questions about this matter or if there are changes in your case. I appreciate the opportunity to be of assistance to you.

Sincerely,

A handwritten signature in cursive script that reads "David Price".

DAVID PRICE  
Member of Congress

DP:rw

DAVID PRICE  
4TH DISTRICT  
NORTH CAROLINA

Plaintiffs Exhibit 11



CONGRESS OF THE UNITED STATES  
HOUSE OF REPRESENTATIVES  
WASHINGTON, DC 20515

September 27, 2004

COMMITTEE ON APPROPRIATIONS  
VETERANS' AFFAIRS,  
HOUSING AND URBAN DEVELOPMENT  
AND INDEPENDENT AGENCIES

LEGISLATIVE

SELECT COMMITTEE ON  
HOMELAND SECURITY

OFFICES:

2162 RAYBURN HOUSE OFFICE BUILDING  
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N.C. MUTUAL PLAZA  
411 WEST CHAPEL HILL STREET  
DURHAM, NC 27701-3642  
(919) 688-3004

Dr. Mohammad Abu-Salha  
210 Bayleigh Court  
Garner, NC 27529

Dear Dr. Abu-Salha:

Enclosed please find a copy of the response which my office has received from the Texas BCIS office regarding your case. I would expect that you will hear from the BCIS directly within the next 90 days. If you do not hear from them by the end of December, please contact Ms. Robyn Winneberger in my Raleigh office at 859-5999.

Thank you for the opportunity to be of service.

Sincerely,

A handwritten signature in cursive script that reads "David Price".

DAVID PRICE  
Member of Congress

DP:rw

Enclosure

PS: Please sign up for periodic updates on issues, events, and town hall meetings at <http://price.house.gov/Forms/EmailSignup>.

## Winneberger, Robyn

---

**From:** Davis, Cynthia X  
**Sent:** Monday, September 20, 2004 2:57 PM  
**To:** Winneberger, Robyn  
**Subject:** Re:RE: Abu-Salha Green Card Cases

Robyn: The background check is still pending. His fingerprints expired 09/12/04.

I sent the request for new fingerprint appointment 09/13/04.

Cynthia Davis  
TSC Congressional Liaison

---

Reply Separator

**Subject:** RE: Abu-Salha Green Card Cases  
**Author:** "Winneberger; Robyn" <SMTP:Robyn.Winneberger@mail.house.gov>  
**Date:** 9/14/2004 3:23 PM

Hi Cynthia.  
Can you check to see if the background check is done?  
Thanks,  
Robyn

-----Original Message-----

**From:** Davis, Cynthia X  
**Sent:** Monday, August 30, 2004 8:28 AM  
**To:** Winneberger, Robyn  
**Subject:** Re:Abu-Salha Green Card Cases

Robyn: His background check is still pending. Their fingerprints are due to expire soon. I will watch the background check to see if it gets done in time.  
If not, I will request new fingerprint appointments for them.

Cynthia Davis  
TSC Congressional Liaison

---

Reply Separator

**Subject:** Abu-Salha Green Card Cases  
**Author:** "Winneberger; Robyn" <SMTP:Robyn.Winneberger@mail.house.gov>  
**Date:** 8/27/2004 4:59 PM

Mohammad Y. Abu-Salha- SRC 0208053709  
Amira Abu-Salha--0208053698  
Yusor ""--0208053657  
Yousef ""--0208053653

They are wondering about their Permanent residency cases.. what the status is?  
Thanks,  
Robyn

Robyn Winneberger  
Representative David Price NC-04  
5400 Trinity Road, Suite 205  
Raleigh, NC 27607  
Phone- (919) 859-5999  
Fax- (919) 859-5998

IMMIGRATOIN UPDATES

Dr. Abu-Salha:

In reviewing your file it appears the last status check done by Robyn at the end of May so it's not even been 90 days yet. It also appears that the case has been sent to the FBI for further checks according to the email she sent you on May 31, 2006. We can make another inquiry after 90 days since the normal clearances take 90 days. I'll do that next week. Although in the meantime I've made a request to the TSC (since they were the last to have your file) today to see if they can give me an update on your file and the status of the pending matter. I will let you know as soon as I hear from Texas and I will follow-up with the FBI again next week (at the 90 day mark). I must warn you though that I've filed several FBI checks for other constituents and haven't received anything on any of them yet. I'm assuming they're further backed up more than normal due to summer vacations and such.

Carol  
*Carol A. Reid Erichsen*  
*Representative David Price NC-04*  
*5400 Trinity Road, Suite 205*  
*Raleigh, NC 27607*  
*Phone - (919) 859-5999*  
*Fax - (919) 859-5998*  
<http://price.house.gov>

Learn more about the issues that Representative Price is working on in Washington. Sign up for occasional email updates at <http://price.house.gov/forms/emailsignup/>.

-----Original Message-----

**From:** Mohammad Abu-Salha [mailto:abusalha3@hotmail.com]  
**Sent:** Tuesday, August 22, 2006 10:35 PM  
**To:** Erichsen, Carol  
**Subject:** USCIS

**Dear Ms. Erichsen,**

**It has been a few months since Robyn checked on our I-485 application that we filed in Jan 2001. It has been 7-8 months since our second fingerprinting when we all thought we would be approved. She was then informed that the FBI cleared my name then. In her last follow up she was told that my name was forwarded to Washington, DC for yet another security check. She planned to check with them again by now. She also advised me of contacting you while she is out for maternity leave.**

**I hope you can reach our file in her office and follw up on our case as we have been deeply concerned by the endless waiting.**

**I appreciate your support.**

***Mohammad Abu-Salha, MD***

9/8/2006

Dr. Abu-Salha:

*Correspondence with  
Rabyn Wimmerbergers  
David Price office*

I received a response from the CIS in Texas today that your file was transferred to DC on 2/13/2006 and is still pending regarding further clarification with your name check. I will send a status inquiry to the FBI today for you. This may take several weeks for a response but I'll let you know when we receive anything.

Carol

*Carol A. Reid Erichsen  
Representative David Price NC-04  
5400 Trinity Road, Suite 205  
Raleigh, NC 27607  
Phone - (919) 859-5999  
Fax - (919) 859-5998  
<http://price.house.gov>*

When I sent this FBI check I said in the request that this was the 2nd name check being done for you and if there was anything we could do to assist them with this matter to let us know. Not sure it will help but it sometimes speeds things along if there's a odd ball situation to help them locate the file if it's not readily available.

We'll see....can't promise this will help but we'll try to do what we can for you!

Have a good day!

Carol



**11/19/06**

**Dear Robyn,**

**Congratulations for the new baby and for the democrates' recent victory. I hope you all are doing well. I just E-mailed Carol Erichson and the message pounced back to tell me that you're back.**

**During your leave, Carol had checked on our Green Card application at USCIS and the endless waiting. She was again told it was the FBI security check in DC but I understood she would requested a reply from the FBI or who ever is investigating. It has been a few weeks and have not heard from her. I hope you and Mr. Price can give us a push.**

***Mohammad Abu-Salha, MD***

11/20/06

Good morning and thanks for the Congratulations! I hope you are well. I have your file right here on my desk and I see where you and Carol have communicated. It looks like she sent another inquiry to the FBI on 9/6/06. It is not unusual that they have not responded to our inquiry yet. It can take them 90 days sometimes to reply to us. If nothing has been returned to our office by the first week of December I will send another inquiry to the FBI. I am sorry for the long delay but it's up to the FBI to complete their process and move forward. Unfortunately we cannot make them go any faster. Believe me, I wish we could! I'll be in touch,  
Robyn

U.S. Department of Homeland Security  
Texas Service Center  
P.O. Box 851488  
Mesquite, TX 75185-1488



**U.S. Citizenship  
and Immigration  
Services**

Friday, March 23, 2007

MOHAMMAD Y ABU-SALHA  
5016 DILLSWOOD LN  
RALEIGH NC 27606

Dear MOHAMMAD Y ABU-SALHA:

On 05/25/2006 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

<b>Person who contacted us:</b>	WILSON, TERESA
<b>Caller indicated they are:</b>	An attorney
<b>Attorney Name:</b>	DAYNA KELLY
<b>Case type:</b>	I485
<b>Filing date:</b>	12/26/2001
<b>Receipt #:</b>	SRC-02-080-53709
<b>Beneficiary (if you filed for someone else):</b>	ABU-SALHA, MOHAMMAD, Y
<b>Your USCIS Account Number (A-number):</b>	A076442694
<b>Type of service requested:</b>	Non-delivery

The status of this service request is:

Your application/petition is located at Charlotte NC District Office. Please direct this inquiry and all future inquiries to your local office. If you wish to visit that office you will need to schedule an appointment using the InfoPass Appointment Scheduler located on our web site [www.uscis.gov](http://www.uscis.gov). Please print out the appointment notice, which gives you the date and time, along with the address to your local office.

XMO365

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must also notify the Department of Homeland Security within 10 days from when they move (persons in "A" or "G" nonimmigrant status are exempt from this requirement). If you have moved, please complete a Form AR-11 and mail it to the address shown on that form. If you do not have this form, you can download it from our website or you can call the National Customer Service Center at 1-800-375-5283 and we can order one for you. If you move, please call us with your new address information as soon as your move is complete. If you have already called us and given us this information, you do not need to call again.

U.S. Citizenship and Immigration Services  
cc: DAYNA KELLY

U.S. CIS - 03-23-2007 05:15 PM EDT - SRC-02-080-53709



abusalha3@hotmail.com

Printed: Wednesday, April 4, 2007 11:53 PM

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**From :** Winneberger, Robyn <Robyn.Winneberger@mail.house.gov>  
**Sent :** Wednesday, April 4, 2007 1:12 PM  
**To :** "Mohammad Abu-Salha" <abusalha3@hotmail.com>  
**Subject :** RE: Update

---

Hi there.

It looks like your attorney's office made an inquiry with USCIS on your behalf. I received word on Feb.2007 that your case was processed and finalized by the FBI on 10/18/05 and the results were sent to USCIS Headquarters in Washington, DC. On 1/31/07 USCIS was contacted by the FBI and confirmed the same information as indicated in the FBI's Name Check Database.

So, it seems that your case is still with USCIS Headquarters. They are likely still processing your background information. The FBI is only one agency that is involved in security clearances.

That is what I make of this letter.

I hope this makes sense.

Robyn

---

**From:** Mohammad Abu-Salha [mailto:abusalha3@hotmail.com]  
**Sent:** Tuesday, April 03, 2007 8:42 PM  
**To:** Winneberger, Robyn  
**Subject:** Update

**Dear Robyn,**

**Though we were told last that the FBI cleared our case for USCIS, we just received the attached letter in the mail, dated March 31, 2007. Please review and tell me what you think. I know it has not been 90 days since your last inquiry, just wanted to let you know.**

***Mohammad Abu-Salha, MD***

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MSN is giving away a trip to Vegas to see Elton John. Enter to win today.